

REMARKS

STATUS OF THE CLAIMS

Claims 1-23 and 36 are pending in the application.

Claims 1-23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van De Pavert (U.S. Patent No. 5,914,471), in view of Boyer et al. (U.S. Patent No. 6,208,973), and further in view of Yanagihara et al. (U.S. Patent No. 6,370,517).

According to the foregoing, the claims are amended, and thus the pending claims remain for reconsideration, which is respectfully requested.

Further, the Advisory Action of August 25, 2006 did not expressly indicate entry status of the proposed after final rejection amendments to independent claim 36. It is understood that the claim 36 amendments were not entered and, thus, according to the foregoing claim 36 is amended herein.

No new matter has been added.

REJECTION

Claims 1-23 and 36 are pending. The independent claims are 1, 10, 17 and 36.

Claims 1-23 and 36 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Van De Pavert (U.S. Patent No. 5,914,471), in view of Boyer et al. (U.S. Patent No. 6,208,973), and further in view of Yanagihara et al. (U.S. Patent No. 6,370,517).

I. The final Office Action page 5 and the Advisory Action both acknowledge that Van De Pavert does not explicitly disclose storing two balances on the card, but rely on Boyer column 7, lines 1-10. According to the foregoing, the claims are amended to provide "updating an authentication money balance stored in a **money balance area of the authentication money processing memory on the card** and for updating a non-authentication money balance stored in a **money balance area of the non-authentication money processing memory on the card**," which clarify the claimed "**authentication money balance**" and "**non-authentication money balance**" are "**on the card**." Clearly the claimed limitation "**authentication money balance**" and "**non-authentication money balance**" on an "**electronic cashing card**" is not met by Boyer, because Boyer clearly refers to two account balances at a financial institution but

not on a card (see Boyer column 7, line 6, discussing “Generally, the healthcare balance carries a favorable interest rate”).

Van De Pavert discusses “a method of recording usage data of a card-operated device, such as a public telephone set or a vending machine. In particular, usage data, such as totalized charges, is stored in a storage unit associated with the device” (Abstract). In Van De Pavert’s FIG. 2, clearly the card 1, including the memory 10 that has a counter 15 and a register 17, fails to disclose, expressly or implicitly, the claimed “***an electronic cashing card having a non-authentication money processing memory***” and “***an authentication money processing memory***” for “updating an authentication money balance stored in ***a money balance area of the authentication money processing memory on the card*** and for updating a non-authentication money balance stored in ***a money balance area of the non-authentication money processing memory on the card***.”

Boyer column 7, lines 1-10 in part discusses “The cobranded payment card preferably carries two balances, one for standard transactions (retail, travel, entertainment, etc.) and one for healthcare purchase (doctors, hospitals, pharmacies, optical, dental, etc.) ...” However, Boyer FIG. 3, step 100, discusses issuing a cobranded healthcare/payment card to a patient and Boyer column 7, line 6, discusses “Generally, the healthcare balance carries a favorable interest rate.” Therefore, although Boyer column 7, lines 1-5 refers to the card carrying two balances, it is clear that Boyer refers to two account balances at a bank, which differs from the claimed “***an electronic cashing card having a non-authentication money processing memory and an authentication money processing memory***” to store respectively “***an authentication money balance***” and “***a non-authentication money balance***.” The claimed “***authentication money balance***” has “***a requirement for a personal authentication.***” In other words, Boyer is silent on providing “***non-authentication money processing memory***” and “***non-authentication money processing memory***” on an “***electronic cashing card***” to store on the card “***an authentication money balance***” and “***a non-authentication money balance***.” Clearly, Boyer is silent on the claimed “updating an authentication money balance stored in ***a money balance area of the authentication money processing memory on the card*** and for updating a non-authentication money balance stored in ***a money balance area of the non-authentication money processing memory on the card***,” because Boyer does not discuss various money balance memory areas on a card.

It is submitted that Boyer fails to reasonably suggest to one skilled in the art according to the preponderance of evidence burden of proof for providing two money processing memories on an electronic card to store two electronic money balances and for updating the same as claimed. MPEP 2123 and 37 CFR 1.56.

Further, Boyer is a nonanalogous prior art by failing to be related to an electronic cashing card. And further, Boyer fails to be reasonably pertinent to transaction security using an electronic cashing card. MPEP 2145-IX.

Boyer's card clearly fails to support any suggestion, or motivation to one skilled in art to be combined with Van De Pavert or to modify Van De Pavert, to achieve the claimed embodiments. Clearly a prima facie case of obviousness cannot be established based upon Van De Pavert and Boyer.

II. Clearly the claimed limitation of "***comparing the non-authentication money balance and the authentication money balances on the card and determining that an illegal process has been performed with the card when the non-authentication money balance is larger than the authentication money balance***" is not met by Yanagihara's card usage limit. The Office Action page 5 appears to acknowledge that Van De Pavert and Boyer do not disclose this claimed feature, but the Office Action relies on Yanagihara column 5, lines 10-60 to meet this claim language.

Yanagihara column 1, lines 34-63 discusses "an electronic money card, in which a storage section of the card has an area for storing a restricting condition for the withdrawal of electronic money and in which a logic is provided so that a user is allowed to read or write the electronic money stored in the electronic money card based on such condition." Therefore, Yanagihara discusses setting usable limits of electronic money that users of the card can withdraw on a user basis. Yanagihara, FIG. 6 discloses usable limits for regular usage (213) and usage 1 (217) and usage 2 (221) - see column 3, lines 11-30 and column 5, lines 10-60). The Office Action relies on Yanagihara column 5, lines 10-60, which in part discuss "Then, the amount of money withdrawn is added to the aggregate amount of electronic money so far paid 214, 218 or 222 (Step 408), and the obtained sum is compared with both the electronic money balance and the usable limit 213, 217 or 221. If the sum is equal to or smaller than the balance and the usable limit 213, 217, or 221, the user is permitted to make payment in electronic money." However, the comparison in Yanagihara refers to obtaining an amount of electronic

money 208 withdrawable from the electronic money card 106 within the usable limit 213, 217 or 221 and comparing the obtained amount with both the electronic money balance and the useable limit 213.

Therefore, the claimed ***“comparing the non-authentication money balance and the authentication money balances on the card and determining that an illegal process has been performed with the card when the non-authentication money balance is larger than the authentication money balance”*** is clearly not present in Yanagihara’s comparison and is not included in the Examiner’s analysis, because according the claimed embodiments ***“non-authentication money balance”*** on the card is compared with the ***“authentication money balance”*** on the card. The ***“authentication money balance”*** on the card is a balance of electronic money on the card ***“having a requirement for a personal authentication,”*** which differs from Yanagihara’s usage limit comparison.

Further, Yanagihara fails to discuss anywhere ***“updating the non-authentication money balance to an amount less than or equal to the stored authentication money balance when the transaction is settled by the authentication process.”***

According to 37 CFR 1.56(b)(ii), “a prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification ...” It is submitted that under a broadest reasonable construction, the claimed ***“comparing the non-authentication money balance and the authentication money balances on the card ...,”*** is patentable over a combined system of Van De Pavert, Boyer and Yanagihara, because clearly Yanagihara’s usage limit differs from the claimed ***“non-authentication money balance” of electronic money on the card***, to which the ***“authentication money balance”*** is compared. More particularly, in contrast to Yanagihara’s usage limit, the claimed embodiments, as expressly provided by the language of the claims, provide ***“non-authentication money balance” of electronic money on the card***, and the ***“non-authentication money balance”*** is updatable according to ***“updating the non-authentication money balance to an amount less than or equal to the stored authentication money balance when the transaction is settled by the authentication process.”*** In other words, a prima facie case of obviousness cannot be established based upon Yanagihara, because Yanagihara fails to disclose, either expressly or implicitly, or suggest to one

skilled in the art to be modified when combined with Van De Pavert and Boyer to change its usage limit 213, 217 or 221 based upon a settled transaction or the claimed ***“updating the non-authentication money balance to an amount less than or equal to the stored authentication money balance when the transaction is settled by the authentication process.”***

The claimed embodiments achieve transaction and card security by ***“updating the non-authentication money balance to an amount less than or equal to the stored authentication money balance when the transaction is settled by the authentication process.”*** Yanagihara fails to reasonably suggest to one skilled in the art according to the preponderance of evidence burden of proof the claimed updating of the non-authentication money balance based upon an authenticated transaction, which provides a benefit of transaction and card security based upon ***“non-authentication money balance”*** and ***“authentication money balance”*** of electronic money on a card - MPEP 2123 and 37 CFR 1.56.

Furthermore, Yanagihara's on a user basis usage limit discussion fails to disclose, or support any suggestion or motivation to one skilled in art to modify Van De Pavert and Boyer, to achieve the claimed present invention's ***“updating the non-authentication money balance to an amount less than or equal to the stored authentication money balance when the transaction is settled by the authentication process”*** and ***“comparing the non-authentication money balance and the authentication money balance and determining that an illegal process has been performed with the card when the non-authentication money balance is larger than the authentication money balance.”*** For example, the present Application FIG. 5, SP44, FIG. 6A, SP63, FIG. 7A, and page 15, line 6 to page 16, line 16 support the claimed invention.

A prima facie case of obviousness over Yanagihara with Van De Pavert and Boyer cannot be established, because clearly the references either alone or as combined do not meet the following claimed limitations: (1) Boyer's non-electronic card, which is not an electronic cashing card, does not meet the claimed ***“authentication money balance”*** and ***“non-authentication money balance”*** on an ***“electronic cashing card,”*** (2) Yanagihara's ***“usage limit”*** does not meet the claimed ***“non-authentication money balance,”*** (3) Yanaghiara's usage limit comparison does not meet the claimed comparison of authentication and non-authentication money balances on the card, and (4) all of Van De Pavert, Boyer and Yanagihara

are silent on the claimed "***updating the non-authentication money balance to an amount less than or equal to the stored authentication money balance when the transaction is settled by the authentication process.***"


Withdrawal of the rejection of pending claims is respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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